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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 MICHAEL HOLMBERG,

7 Plaintiff,

8 v.

9 ELDON VAIL, DAN PACHOLKE,  
10 PATRICK GLEBE, WANDA McRAE,  
11 CHERYL SULLIVAN, and JOHN AND  
12 JANE DOES 1-5,

Defendants.

No. 11-5449 BHS/KLS

ORDER GRANTING DEFENDANTS'  
MOTION TO STAY DISCOVERY

13 Before the Court is Defendants' motion to stay discovery pending the Court's resolution  
14 of Defendant's motion to dismiss. ECF No. 16. For the reasons stated below, the Court finds  
15 that the motion should be granted.

16 **BACKGROUND**

17 Plaintiff Michael Holmberg is a Washington Department of Corrections ("DOC") inmate  
18 currently incarcerated at Stafford Creek Corrections Center (SCCC). He has filed a civil rights  
19 action alleging that he was improperly denied indigent postage for non-legal mail and that in  
20 retaliation, his check was not mailed. ECF No. 5 at 2. Defendants have moved for dismissal of  
21 his claims based on the statute of limitations, lack of standing and personal participation, failure  
22 to exhaust, and failure to state a claim. ECF No. 16. Defendants also move to stay discovery  
23 pending resolution of their motion. *Id.* Mr. Holmberg is not opposed to a stay in discovery  
24 pending the motion to dismiss. *Id.*, Exh. 2.  
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It is necessary for this Court to resolve Defendants' Motion to Dismiss to determine what claims and Defendants survive the pleading stage. Plaintiff is not opposed to the stay.

**DATED** this 8th day of December, 2011.

  
Karen L. Strombom  
United States Magistrate Judge